

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.21840 of 2019
and W.M.P.No.21056 of 2019

P.Ramesh Rajamani

..Petitioner

vs

1.The Joint Registrar of Co-operative Societies
Tiruvallur Region
Tiruvallur, Tiruvallur District.

2.The President
Uthukottai Primary Agricultural
Co-operative Credit Society
Uthukottai and Taluk
Tiruvallur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.208/2018/A3, dated 11.03.2019 and consequential order passed by the 2nd respondent in his proceedings No.Nil, dated 15.07.2019 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.R.Bala Ramesh

Special Government Pleader (Co-op.)

ORDER

Writ Petition is filed for issuance of a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.208/2018/A3, dated 11.03.2019 and consequential order passed by the 2nd respondent in his proceedings No.Nil, dated 15.07.2019 and quash the same.

2. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that he is working as a Secretary in the 2nd respondent society. The 2nd respondent passed suspension order against the petitioner on 18.12.2014. Subsequently, the petitioner preferred a revision before the 1st respondent against the charge memo issued by the 2nd respondent. The petitioner obtained stay on 02.07.2018 and he was reinstated into service on 01.02.2019. The revision petition filed by the petitioner was disposed of by the 1st respondent on 11.03.2019 and the 2nd respondent passed suspension order on 15.07.2019 without any power and he is not a competent authority to pass the suspension order. Further case of the petitioner is that G.O.Ms.No.14, Co-operation Department, dated 12.02.2019, is passed for bringing all Secretaries in Primary Agricultural Co-operative Credit Society under common cadre service. As per the said G.O., the common cadre authority consisting the 1st respondent, District Central Co-operative Bank Managing Director, Deputy Registrar of Co-operative Societies and President of the Co-operative Societies, alone are having power to take disciplinary action against the Secretaries. Therefore, the suspension order passed by the 2nd respondent is unsustainable. Challenging the same, the present writ petition is filed.

4. Learned Special Government Pleader appearing for the respondents would submit that as per the common cadre service, Registrar of the Co-operative Societies can pass suspension order against the Secretary. However, in the present case, the President has passed the suspension order against the Secretary.

5. In view of the expressions made by the learned Special Government Pleader appearing for the respondents, without authority, the President passed the impugned order against the petitioner, who is the common cadre employee. Hence, the impugned orders dated 11.03.2019 and 15.07.2019 are set aside. However, it is open to the competent authorities under the common cadre service to pass appropriate orders on merits and in accordance with law.

6. The writ petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

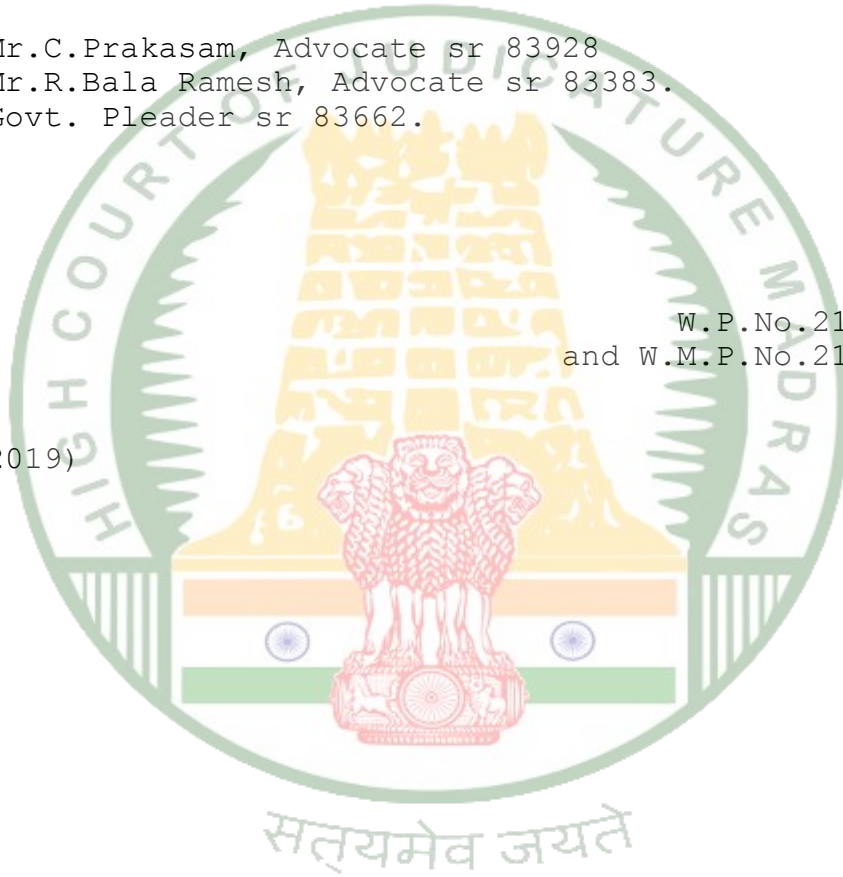
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+1 CC to Mr.C.Prakasam, Advocate sr 83928
+1 CC to Mr.R.Bala Ramesh, Advocate sr 83383.
+1 CC to Govt. Pleader sr 83662.

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GP(CO)
SP(27/11/2019)



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